(1) CA 106 Single Bench (B)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 4324/2004

PETITIONER

Dr. I. Nageshwar Rao,
S/o. Shri I.P.C. Rao,
Aged about 38 years,
Occupation - service,
Presently working as
Medical Officer,
Samudayik Swasth Kendra,
Chhura, Dist. Raipur (C.G)

P.R. No. 4324/04 Presented by Shri Sm. Bramadubey dated 06.11.04

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through the Secretary,
Health & Family Welfare
Department, Mantralaya,
D.K.S. Bhawan,
Raipur (C.G.)

2. Director,
Health Services,
Raipur (C.G.)

3. Chief Medical & Health
Officer,
Raipur (C.G)

4. Block Medical Officer,
Raipur (C.G.)

(R) 6.11.04

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND FOR OTHER SUITABLE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS ETC.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(27)

आदेश पत्रक

मामला क्रमांक W P No.4324/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	16.12.2004 Smt.Fouzia Mirza, counsel for the petitioner. Shri Sumesh Bajaj, Deputy Government Advocate for respondents/State. Heard on admission and M.(W.)P.No.4677/2004 for grant of Ad-interim relief. Petitioner has been transferred from Community Health Centre Chhura, Raipur to Community Health Centre Orcha, Jagdalpur vide order dated. 26.10.2004, passed by the State Government. Petitioner has challenged this order only on the ground that there is a ban on transfers and his earlier transfer order has already been stayed by the State Administrative Tribunal vide order dated 14.12.2001. The petitioner was earlier transferred from Chura, district Raipur to Amadand, district Bilaspur and that order was stayed on the ground of ban imposed by the State Government vide its order dated 14.12.2001. Fresh order after a lapse of long period has been issued by the Government and the Government has now transferred the petitioner from Chura to Orcha. Although the Government has issued transfer policy for 2004-2005 to ban the transfers, but exceptions have been kept therein. Therefore, transfer can be done, following the procedure laid down under the transfer policy. There	

पीछे देखिये

XI-HC-22

(28)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W P No. 4324/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

appears nothing to show that due to the transfer policy the transfer order transferring the petitioner from Chura to Orcha suffers from any infirmity. The State Administrative Tribunal has been abolished, therefore, the earlier transfer, which was challenged, could not reach to its finality and in these circumstances that order, after such a long time does not debar the State Government from transferring the petitioner from Chura to any other place. There appears no malafide on the part of the Government. Therefore, the petition does not deserve to be admitted for final hearing.

However, petitioner can file a representation on other grounds before competent authority and they shall be at liberty to dispose of the same on its own merit without being influenced with any of the observations made herein and if already any representation is pending that may also be dealt with on its own merit.

With the above directions the petition stands disposed of.

Consequently, M.(W.)P.No.4677/2004 for grant of Ad-interim relief and I.A.No.8746/2004 for urgent hearing stand disposed of.

Certified copy as per rules.

Sd/-
V.K. Shrivastava
Judge

Padma

23.12.04

[पीछे देखिये